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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,127	03/27/2001	Mike Blossfeld	TRW(TE)4704	8617

7590 07/30/2002

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EXAMINER

KLAUS, LISA NHUNG

ART UNIT	PAPER NUMBER
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2832

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/818,127

Applicant(s)  
Mike Blossfeld

Examiner  
Lisa Nhung Klaus

Art Unit  
2832



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jun 25, 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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## DETAILED ACTION

### *Claim Objections*

1. Claim 1 is objected to because of the following informalities:

The last paragraph of amended claim 1 is different from the last two paragraph of the “**VERSION WITH MARKINGS TO SHOW CHANGS MAKE**” (claim 1). Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5, 6 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Dowe (US 4,659,881).

Dowe discloses a switch assembly comprising:

- a depressible member 19 having an unactuated condition and an actuated condition;
- said depressible member being movable to actuated condition from said unactuated condition;
- first membrane 7 connected with said depressible member, said first membrane resisting movement of said depressible member from said unactuated condition to said actuated condition, said first membrane further providing an increasing return force urging said depressible member to said unactuated condition as an operator moves said depressible member form said unactuated condition to said condition; and
- a second membrane 9 resisting movement of said depressible member to said actuated condition, said second membrane further providing an increasing return force to said depressible member as the operator moves said depressible member to said actuated condition;

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Dowe discloses the invention as claimed above except for a first membrane having a first end and a second end fixed to a lower surface of a depressible member and sliding along a planar surface.

Chuang discloses a key pad comprising:

- first membrane has a first end fixed to a lower surface of a depressible 11 and a second end, opposite said first end, sliding along a planar surface as said depressible member moves from said unactuated condition to said actuated condition;

- wherein said second end of said first membrane slides in a direction transverse to the direction of movement of said depressible member.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the third membrane as taught by Chuang with Dowe's switch for the purpose of pushing the push button back to the original position.

### ***Response to Arguments***

6. Applicant's arguments filed 6/25/2002 have been fully considered but they are not persuasive.

On page 6, lines 21-25, applicant argues that "Kenmochi does not disclose the key top initially moving relative to the metal dome.....the key top".

The new found reference of Dowe is applicable to the limitation of claims 1, 2, 5, 6, 8-12. Therefore, a new ground of the rejection is presented.

### ***Allowable Subject Matter***

7. Claim 3 is allowable.

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***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication should be directed to Lisa Nhung Klaus (formerly Nhung Nguyen) whose telephone number is (703)305-0422, and whose fax number is (703)746-4148. In the event that I am not reached, you can contact my supervisor, Mr. Elvin G. Enad at (703) 308-7619 or the tech center receptionist at (703)308-1782.

LK

Lisa Nhung Klaus

Patent Examiner - Art Unit 2832

July 24, 2002



MICHAEL FRIEDMANN  
PATENT EXAMINER



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Remarks:

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